

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 08-0415 MHP

Plaintiff(s),

**ORDER REVOKING SUPERVISED
RELEASE AND JUDGEMENT**

v.

ANTONIO GOMEZ,

Defendant(s).

This matter came on pursuant to an Order to Show Cause why supervised release should not be revoked. Defendant appeared in person with his attorney Steven Kalar. The United States was represented by Assistant United States Attorney Erica Frick.

The defendant was advised of the following:

1. His right to a hearing on the alleged violations of supervised release;
2. His right to confront and cross-examine witnesses;
3. His right to produce evidence and witnesses at the hearing without cost to him if he could not afford the same;
4. His right to continue to have court appointed counsel represent him throughout the proceedings; and
5. The nature of the revocation proceedings and the consequences if a violation was found and supervised release revoked or modified.

The court finds that defendant was fully advised of his constitutional and statutory rights in connection with these proceedings either as a basis for modification or revocation; that he fully understands the nature of the proceeding and the defenses that he may assert in the proceeding; that he fully understands the consequences of the proceeding; and that he freely and voluntarily waives

1 his right to a hearing, his counsel consenting thereto.

2 The court finds that the defendant has admitted to the violations as alleged in the petition to
3 revoke and that such violations are sufficient cause to revoke supervised release.

4 Charge 1: Violation of Special Condition Number Three which states that defendant
5 shall participate in a correctional treatment program to obtain assistance for
6 drug and/or alcohol abuse, in that defendant failed to attend counseling
7 sessions after referral to Sharper Future Substance Abuse Program on the
8 dates of February 21, May 8, and May 29, 2008, and was discharged from
9 Sharper Future on June 27, 2008. Defendant further failed to submit
10 urinalysis testing on March 27, May 17, May 28, June 5, June 12, and June
11 19, 2008;

12 Charge 2: Violation of Standard Condition Number Two which states the defendant
13 shall report to the US Probation Officer and shall submit truthful and
14 complete written reports within the first five days of each month, in that on
15 May 29, June 10, and June 19, 2008, the defendant failed to appear for
16 scheduled appointments before the US Probation Officer;

17 Charge 3: Violation of Standard condition which states the defendant shall refrain from
18 any unlawful use of controlled substance, in that on May 9, 2008, the
19 defendant submitted a urinalysis sample which yielded a positive result for the
20 presence of marijuana;

21 Based on the foregoing,

22 IT IS ADJUDGED that supervised release is hereby REVOKED, and that defendant is
23 remanded into the custody of the Attorney General or his authorized representative for a term of five
24 (5) months. No further Term of Supervised Release is ordered.

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26 Dated: 9/18/2008

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28 MARILYN HALL PATEL
United States District Court